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Docket No.: 4459-135

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Ching Kun LAI

U.S. Patent Application No. 10/713,001

Filed: November 17, 2003

: Confirmation No. 9403

: Group Art Unit: 2871

: Examiner: Zhi Qiang Qi

For: LIQUID CRYSTAL DISPLAY DEVICE AND BACKLIGHT MODULE THEREOF

RESPONSE TO RESTRICTION REQUIREMENTCommissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

By Official Action mailed *May 18, 2005*, restriction to one of the following species of the claimed invention is required:

- Species 1:** Figs. 4-6, the frame has at least one T-shaped aperture, the housing has recesses and trapezoid protrusion area for engaging the frame and the housing;
- Species 2:** Figs. 7-8, the frame has a pair of L-shaped apertures, the housing has recesses and trapezoid protrusion area for engaging the frame and the housing;
- Species 3:** Figs. 9-12, the frame has a plurality of L-shaped apertures and hooked protrusion, the housing has a plurality of arc-shaped recesses for engaging the frame and the housing;

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Species 4: Figs. 14-15, the frame has a T-shaped aperture, and the ground metal sheet the printed circuit board disposed in the housing, and the housing has recesses and trapezoid protrusion area for engaging the frame and housing;

Species 5: Fig. 16, the frame has a L-shaped aperture, the ground metal sheet of the printed circuit board disposed in the housing, and the housing has a recess for engaging the game and the housing.

In response, Applicants hereby elect Species 4 (FIGs. 14-15), upon which claims 1-11 are readable. Contrary to the Examiner's holding, at least claim 1 is generic. Claim 1 which recites L-shaped apertures is clearly readable on Species 2-3 and 5. Claim 1 is also readable on Species 1 and 4 if the L-shaped apertures are connected to form a T-shaped aperture. *See* also claim 6.

The election was made *with traverse* because the Examiner has failed to follow proper USPTO practice and procedure.

Every requirement to restrict has two aspects:

(A) the reasons (as distinguished from the mere statement of conclusion) why the inventions as claimed are either independent or distinct; and

(B) the reasons for insisting upon restriction therebetween. *See MPEP*, section 808 (emphasis added).

In this case, the Examiner has met none of the above requirements. The Examiner's Restriction Requirement is therefore improper and should be withdrawn or at least rephrased.

In view of the above, withdrawal of the Restriction Requirement and consideration of all

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claims pending in the instant application are believed appropriate and therefore courteously solicited.

Early examination on the merits is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP

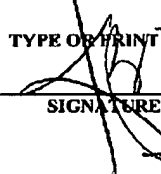


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